

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- v. -

FRANCIS LORENZO,
a/k/a "Frank Lorenzo,"

Defendant.

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:
: CONSENT PRELIMINARY ORDER
: OF FORFEITURE/
: MONEY JUDGMENT

: S6 15 Cr. 706 (VSB)

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WHEREAS, on or about April 27, 2017, FRANCIS LORENZO, a/k/a "Frank Lorenzo" (the "defendant"), was charged in an eight-count Superseding Information, S6 15 Cr. 706 (VSB) (the "Information"), with conspiracy to pay and receive bribes and gratuities and to violate the Foreign Corrupt Practices Act in violation of Title 18, United States Code, Section 371 (Count One); payment of bribes and gratuities in violation of Title 18, United States Code, Sections 666(a)(2) and 2 (Count Two); solicitation and receipt of bribes and gratuities in violation of Title 18, United States Code, Section 666(a)(1)(B) (Count Three); violation of the Foreign Corrupt Practices Act in violation of Title 15, United States Code, Sections 78dd-2(a)(1)(A), 78dd-2(a)(3)(A), and 78dd-2(g)(2)(A); and Title 18, United States Code, Section 2 (Count Four); conspiracy to commit money laundering, in violation of Title 18, United States Code, Section 1956(h) (Count Five); money laundering, in violation of Title 18, United States Code, Sections 1956(a)(2)(A) and 2 (Count Six); subscribing to false and

fraudulent United States Individual Income Tax Returns in violation of Title 26, United States Code, Section 7206(1) and Title 18, United States Code, Section 2 (Count Seven); and willful failure to file report of foreign bank and financial records in violation of Title 31, United States Code, Sections 5314 and 5322(a); Title 31, Code of Federal Regulations, Sections 1010.350, 1010.306(c)-(d), and 1010.840(b); and Title 18, United States Code, Section 2 (Count Eight);

WHEREAS, the Information included a forfeiture allegation as to Counts One through Four of the Information, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), of any property, real or personal, which constitutes or is derived from proceeds traceable to the commission of the offenses charged in Counts One through Four of the Information;

WHEREAS, the Information included a forfeiture allegation as to Counts Five and Six of the Information, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), of any property real or personal involved in the commission of the offenses charged in Counts Five and Six of the Information, and any property traceable to such property;

WHEREAS, the Information also included a substitute asset provision providing notice that if as a result of the defendant's actions or omissions forfeitable property is unable to be located or obtained, the United States would seek, pursuant to Title 21, United States Code, Section 853(p), the forfeiture of any other property of the defendant;

WHEREAS, on or about October 23, 2015, Magistrate Court entered a Consent Order Freezing Transfers from Bank Account freezing any and all funds in Bank of America Account number 0048 3364 3656, held in the name of Africa ICT Investment Fund (the "Bank of America Account");

WHEREAS, the defendant is the sole shareholder and owner of Africa ICT Investment Fund Inc.;

WHEREAS, on or about April 26, 2017, the defendant pled guilty to Counts One through Eight of the Information, pursuant to a plea agreement with the Government, wherein the defendant admitted the forfeiture allegation with respect to Counts One through Six of the Information and agreed to forfeit, (i) pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any property, real or personal, which constitutes or is derived from the proceeds traceable to the commission of the offenses charged in Counts One through Four of the Information; and (ii) pursuant to Title 18,

United States Code, Section 982(a)(1), any property, real or personal, involved in the offenses charged in Counts Five and Six of the Information and any property traceable to such property;

WHEREAS, the defendant consents to the entry of a money judgment in the amount of at least \$1,000,000 in United States currency representing the amount of proceeds traceable to the offenses charged in Counts One through Four of the Information that the defendant personally obtained and/or property involved in Counts Five and Six of the Information;

WHEREAS, the defendant consents to the forfeiture of the Bank of America Account as a substitute asset; and

WHEREAS, the defendant admits that, as a result of acts and/or omissions of the defendant, the proceeds traceable to the offenses charged in Counts One through Four of the Information that the defendant personally obtained and the property involved in Counts Five and Six of the Information cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Geoffrey S. Berman, United States Attorney, DOUGLAS S. ZOLKIND and DANIEL C. RICHENTHAL, Assistant United States Attorneys, of counsel, and the defendant, and his counsel, BRIAN H. BIEBER, Esq., that:

1. As a result of the offenses charged in Counts One through Six of the Information, to which the defendant pled guilty, a money judgment in the amount of \$1,000,000 in United States currency (the "Money Judgment"), representing proceeds traceable to the offenses charged in Counts One through Four of the Information that the defendant personally obtained and/or the property involved in Counts Five and Six of the Information, shall be entered against the defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the defendant, FRANCIS LORENZO, a/k/a "Frank Lorenzo," and shall be deemed part of the sentence of the defendant, and shall be included in the judgment of conviction therewith.

3. The Bank of America Account shall be forfeited as a substitute asset and upon the entry of a Final Order of Forfeiture will be applied towards the satisfaction of the Money Judgment.

4. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and

Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the defendant's name and case number.

5. The United States Marshals Service is authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

6. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the defendant up to the uncollected amount of the Money Judgment.

7. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

8. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

9. The Clerk of the Court shall forward three certified copies of this Consent Preliminary Order of

Forfeiture/Money Judgment to Assistant United States Attorney Alexander J. Wilson, Co-Chief of the Money Laundering and Transnational Criminal Enterprises Unit, United States Attorney's Office, One St. Andrew's Plaza, New York, New York 10007.

10. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

GEOFFREY S. BERMAN
United States Attorney

By: 

DOUGLAS S. ZOLKIND
DANIEL C. RICHENTHAL
Assistant United States Attorneys
One St. Andrew's Plaza
New York, NY 10007

11/8/19
DATE

FRANCIS LORENZO

By: 

FRANCIS LORENZO


11/8/19
DATE

By: 

BRIAN H. BIEBER, ESQ.
Attorney for Defendant
333 S.E. 2nd Avenue, Suite 3200
Miami, FL 33131

11/8/19
DATE

SO ORDERED:


HONORABLE VERNON S. BRODERICK
UNITED STATES DISTRICT JUDGE

11/8/19
DATE